

January 30, 2008

Legal aid in civil cases lags

Lawyers prodded to help the needy

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RALEIGH - Lawyers are guaranteed for those who could face imprisonment in criminal cases, but few resources exist for the civil half of the courthouse where adoptions, divorces, child custody battles and other issues are handled.

The state budget last year included \$105 million to represent indigent criminal defendants, but only \$4 million to secure civil representation for those classified as living in poverty, according to the Office of Indigent Services and Legal Aid of North Carolina.

That disparity is disturbing to Janet Ward Black, a Greensboro lawyer and president of the N.C. Bar Association, a volunteer organization with 13,500 members. She has made it a goal in her yearlong presidency to increase the amount of pro bono work done by lawyers, a practice recommended by the N.C. State Bar's Code of Professional Conduct and required in other states.

"Justice for all is important," Black said. In North Carolina, about two of 10 lawyers regularly do pro bono work, according to Black.

Many people don't realize they're not entitled to have a lawyer for civil legal matters that could have lasting influences on their lives, Black said.

Tephania Darden of Raleigh learned that when she tried to seek full custody of her 8-year-old daughter. The single mother of two could not afford to hire a local lawyer.

Darden didn't expect to be overwhelmed by the paperwork and court hearings that took place in two states.

"It's like you're not being heard," she said.

But she has been able to wade through the system with the help of Adrian Davis, a Raleigh lawyer who donated her time to help Darden.

Darden is now waiting to find out whether her request for custody will be granted.

Helping those like Darden should be a priority for the 22,094 lawyers authorized to practice law in North Carolina, Black said.

"This is our duty," Black told a group of Wake County lawyers at a luncheon earlier this month. Black said she embarked on the campaign to urge lawyers to donate their time and money to the poor because of her faith and beliefs that all people should have access to the judicial system.

The signature event of the project will be April 4, when volunteering lawyers will man phone lines for any North Carolinian to call a toll-free number and ask their legal questions. A Web site, www.4allnc.org, has been set up for lawyers to donate their time and for people to search for legal resources.

Black hopes that lawyers sign up to help the thousands who can't afford to hire lawyers and who aren't helped by Legal Aid of North Carolina. The nonprofit agency, which has a legal aid staff of 122 lawyers in offices statewide, can serve about 25,000 clients a year, but it must turn down eight out of 10 requests for help.

George Hausen Jr., Legal Aid's executive director in the state, said his offices have seen the effects of a slowing economy for years, with increasing numbers of clients facing foreclosures. Hausen suspects that the poor are also making less, increasing the burden on the court system and his office. The median household annual income for clients at the state's legal services office is \$9,100 according to Hausen.

"Poverty is deepening," Hausen said.

Unmet needs

A gap in representation exists nationally as well, said Mark Schickman, a San Francisco lawyer who is chairman of the committee on pro bono work for the American Bar Association.

Schickman estimates that 80 percent of the legal needs of America's poor is unmet -- and that the problem is growing as the impact of the subprime mortgage crisis grows wider.

"We're chasing a moving target," he said.

But many are pitching in to help, including Chris Graebe, a business litigator with the Raleigh office of the Womble Carlyle firm. Graebe spends anywhere from 3 percent to 15 percent of his time working on pro bono cases, primarily focusing on helping people who have had their public housing subsidies cut off.

"The justice system doesn't work unless everyone has adequate representation," Graebe said.

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